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OCT 25 2005

PATENT APPLICATION

ATTORNEY DOCKET NO. 200300723-1IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Donald J. Stavely et al.

Confirmation No.: 5392

Application No.: 10/658,138

Examiner: Edward H. Tso

Filing Date: Sep. 9, 2003

Group Art Unit:

Title: Battery Powered Device and Method Employing Monitored Usage to Recommend  
Battery TypeMail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is submitted:

- ( ) under 37 CFR 1.97(b), or  
(Within three months of filing national application; or date of entry of national application; or before  
mailing date of first office action on the merits; whichever occurs last)
- (X) under 37 CFR 1.97 (c) together with either a:  
(X) Statement under 37 CFR 1.97(e), or  
( ) a \$180.00 fee under 37 CFR 1.17(p), or  
(After the CFR 1.97 (b) time period, but before final action or notice of allowance, whichever occurs first)
- ( ) under 37 CFR 1.97 (d) together with a:  
( ) Statement under 37 CFR 1.97(e)(1) or (2), and  
( ) a \$180.00 fee set forth in 37 CFR 1.17(p).  
(Filed after final action, a notice of allowance, on or before payment of the issue fee)

Please charge to Deposit Account **08-2025** the sum of \$0.00. At any time during the  
pendency of this application, please charge any fees required or credit any overpayment to Deposit  
Account **08-2025** pursuant to 37 CFR 1.25. *PTO/56/086 QW 10/25/05*

(X) Applicant(s) submit herewith Form ~~PTO 1449~~ - Information Disclosure Statement together with  
any required copies of patents, publications or other information of which applicant(s) are aware, which  
applicant(s) believe(s) may be material to the examination of this application and for which there may be  
a duty to disclose in accordance with 37 CFR 1.56.

( ) A concise explanation of the relevance of foreign language patents, foreign language publications  
and other foreign language information listed on PTO Form 1449, as presently understood by the  
individual(s) designated in 37 CFR 1.56 (c) most knowledgeable about the content is given on the  
attached sheet, or where a foreign language patent is cited in a search report or other action by a  
foreign patent office in a counterpart foreign application, an English language version of the search  
report or action which indicates the degree of relevance found by the foreign office is listed on form PTO  
1449 and is enclosed herewith.

It is requested that the information disclosed herein be made of record in this application.

- ( ) I hereby certify that this correspondence is being  
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transmitted to the Patent and Trademark Office  
facsimile number (571) 273-8300 on Oct. 25, 2005  
Number of pages: 4

Typed Name: J. Michael Johnson

Signature: 

Respectfully submitted,

Donald J. Stavely et al.

By 

J. Michael Johnson

Attorney/Agent for Applicant(s)

Reg. No. 37,856

Date: Oct. 25, 2005

Telephone No.: (775) 849-3085

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Group Art Unit: 2838

Title: Battery Powered Device and Method Employing Monitored Usage to Recommend Battery Type

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

STATEMENT UNDER 37 CFR 1.97(e)

Sir:

The undersigned hereby certifies that either:

- ( ) Each item of information contained in the Information Disclosure Statement was cited for the first time in a communication from a foreign patent office in a counterpart foreign application, not more than three months prior to the filing of the statement, or
- (X) No item of information contained in the Information Disclosure Statement
  - was cited in a communication from a foreign patent office in a counterpart foreign application, and
  - to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56 (c) more than three months prior to the filing of the Information Disclosure Statement.

Respectfully submitted,  
Donald J. Stavely et al.

By   
J. Michael Johnson

Attorney/Agent for Applicant(s)  
Reg. No. 37,856

Date: Oct. 25, 2005

Telephone No.: (775) 849-3085

PTO/SB/08B (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>	
		Application Number	10/658,138
		Filing Date	September 9, 2003
		First Named Inventor	Donald J. Stavely et
		Art Unit	2838
		Examiner Name	Edward H. Tso
Sheet 1	of 1	Attorney Docket Number	200300723-1

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Saft Batteries, "Battery Comparison Tool," www.saftbatteries.com/030-MS_Building/images/30-40-30_grand.jpg	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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